

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

KASHNER DAVIDSON SECURITIES CORP.,	)	
	)	
<i>Plaintiff/Defendant-in-Counterclaim</i>	)	
	)	
v.	)	
	)	
STEVEN MSCISZ, MARK MSCISZ & LYNDAL MSCISZ,	)	Case No. 05-CV-11433-JLT
	)	
<i>Defendants/Plaintiffs-in-Counterclaim</i>	)	
	)	
v.	)	
	)	
VICTOR KASHNER, TIMOTHY VARCHETTO &	)	
MATTHEW MEISTER,	)	
	)	
<i>Defendants-in-Counterclaim</i>	)	

**CUSTOMERS' MOTION TO STAY ACTION  
AND FOR PROTECTIVE ORDER**

The defendants/plaintiffs-in-counterclaim, Steven Mscisz, Mark Mscisz and Lynda Mscisz ("Customers") respectfully request that this Court stay the captioned action until such time as the Supreme Judicial Court for the Commonwealth of Massachusetts issues its rescript in *Steven Mscisz, et al., v. Kashner Davidson Securities Corporation, et al.*, Case No. SJC-09529, and that the Court issue a protective order excusing the Customers from producing the information specified in the August 29, 2005 Discovery Order (or otherwise making discovery) until that appeal is finally resolved.

In support of this motion, and pursuant to Local Rule 7.1, the Customers submit the Statement of Reasons filed herewith.

STEVEN MSCISZ,  
MARK MSCISZ &  
LYNDA MSCISZ,

By their attorney,

*/s/ William P. Corbett, Jr.*

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**LOCAL RULE 7.1(A)(2) CERTIFICATE**

I hereby certify that I conferred with Richard J. Babnick, Jr., an attorney for the plaintiff and defendants-in-counterclaim, attempting in good faith to resolve or narrow the issues raised by this motion.

*/s/ William P. Corbett, Jr.*

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William P. Corbett, Jr.

Dated: September 16, 2005